

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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<http://www.montgomerycountymd.gov/content/council/boa/board.asp>

**Case No. A-5939**

**PETITION OF BARBARA A. WHITE**  
(Hearing held December 3, 2003)

**OPINION OF THE BOARD**  
(Effective date of Opinion, February 6, 2004)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1994, as amended) for a variance from Section 59-C-1.323(a). The petitioner proposes to construct a one-story addition that requires a 5.70 foot variance as it is within 27.70 of the established front building line. The established building line is 33.40 feet.

Raymond White, the petitioner's husband, and Lynne Iadarola, an architect, represented the petitioner at the public hearing.

The subject property is Lot 1 and Outlot F, Block 3, Village of Martins Addition Subdivision, located at 3410 Shepherd Street, Chevy Chase, Maryland, 20815, in the R-60 Zone (Tax Account No. 00520393).

Decision of the Board: Requested variance **denied.**

**EVIDENCE PRESENTED TO THE BOARD**

1. The petitioner proposes to construct a 12 x 13 foot one-story addition/foyer.
2. Ms. Iadarola testified that the existing residence is located 35 feet from the front yard setback and that the neighboring houses vary in distance from the front yard boundary of their properties. Ms. Iadarola testified that several of the lots that adjoin the petitioner's property, Lots 2, 3, and 4, are located closer to the street than the petitioner's house would be with the variance.
3. Ms. Iadarola testified that the petitioner's property is adversely impacted by the established building line. The established building line is the average distance from the street of all of the houses within 300 feet in either direction of the subject property. Ms. Iadarola testified that new construction could only be added to the property with a variance or with the modification of the residence's internal space.

4. Ms. Iadarola testified that the front yard of the petitioner's lot slopes upward and that this is characteristic of the properties in the neighborhood. The petitioner's lot is 12,986 square feet.

### **FINDINGS OF THE BOARD**

Based upon the binding testimony and the evidence of record, the Board finds that the variance must be denied. The requested variance does not comply with the applicable standards and requirements set forth in Section 59-G-3.1(a) as follows:

- (a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.*

The Board finds that the petitioner's lot has no exceptional topographical or other conditions peculiar to the property that are not shared by the neighboring and adjoining properties and that the petitioner's lot size exceeds the lot size for the zone. See, Exhibit Nos. 7(b) through 7(e) [photographs] and Exhibit No. 8 [zoning vicinity map].

The Board notes that because the houses on Lots 2, 3 and 4 are sited closer to the front yard setback than the petitioner's house, these lots are more severely impacted by the established building line than the petitioner's property.

The petition does not meet the requirements of Section 59-G-1.3(a) and the Board did not consider the other requirements in that section for the grant of a variance. Accordingly, the requested variance of 5.70 feet from the required 33.40 foot established front building line for the construction of a one-story addition is denied.

The Board adopted the following Resolution:

On a motion by Allison Ishihara Fultz, seconded by Donna L. Barron, with Angelo M. Caputo and Donald H. Spence, Jr., Chairman, in agreement, the Board adopted the following Resolution. Board member Louise L. Mayer was necessarily absent and did not participate in this Resolution.

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above is adopted as the Resolution required by law as its decision on the above entitled petition.

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Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of  
Appeals this 6th day of February, 2004.

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Katherine Freeman  
Executive Secretary to the Board

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.